

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1377

Introduced by Senator Soto

February 21, 2006

An act to add Sections 39600.5 and 39619.7 to the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1377, as amended, Soto. State Air Resources Board: powers and duties.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to do those acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board by law.

This bill would authorize the state board to enter into ~~an agreement, including a memorandum of understanding, with a public or private entity, as provided~~ *memoranda of understanding or other agreements with owners or operators of sources of air pollution to achieve emissions reductions*, and would require the state board *and its*

executive officer to perform specified functions comply with prescribed ratification and notice requirements in entering into an agreement on or after January 1, 2007. The bill would require the state board to submit annual reports on all existing agreements to the Legislature, as provided. This The bill would require the state board to develop and implement policies to strengthen community outreach and education and enhance public participation in state and local decisionmaking processes, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 39600.5 is added to the Health and*
2 *Safety Code, to read:*
3 *39600.5. (a) The state board may enter into memoranda of*
4 *understanding or other agreements with owners or operators of*
5 *sources of air pollution to achieve emissions reductions.*
6 *(b) (1) Any memorandum of understanding, agreement, or*
7 *modification of a prior memorandum of understanding or*
8 *agreement, entered into pursuant to subdivision (a) on or after*
9 *January 1, 2007, shall be ratified by the state board at a public*
10 *hearing where members of the public have the opportunity to*
11 *provide input and express concerns prior to implementation of*
12 *the agreement.*
13 *(2) Prior to this ratification, the executive officer of the state*
14 *board shall conduct, at a minimum, three public workshops in*
15 *the areas that would be affected by the memorandum of*
16 *understanding or agreement.*
17 *(c) Prior to initiating negotiations to enter into a*
18 *memorandum of understanding or agreement pursuant to*
19 *subdivisions (a) and (b), the executive officer of the state board*
20 *shall notify the state board and the public about the subject of the*
21 *proposed negotiations.*
22 ~~SECTION 1. Section 39600.5 is added to the Health and~~
23 ~~Safety Code, to read:~~
24 ~~39600.5. (a) The state board may enter into an agreement,~~
25 ~~including a memorandum of understanding, with a public or~~
26 ~~private entity, necessary for the proper execution of the powers~~

1 and duties granted to, and imposed upon, the state board by this
2 division and by any other provision of law.

3 ~~(b) Any agreement entered into which serves to reduce~~
4 ~~emissions shall be no longer than two years in duration, and shall~~
5 ~~address unregulated or under regulated sources, and shall~~
6 ~~continue only until appropriate regulation or legislation is~~
7 ~~enacted to address those unregulated or under regulated sources.~~

8 ~~(c) Any agreement pursuant to this section shall provide~~
9 ~~opportunities for public participation, consistent with normal~~
10 ~~rulemaking processes by the state board.~~

11 ~~(d) The state board shall ratify all agreements, including, but~~
12 ~~not limited to, those entered into by the executive officer of the~~
13 ~~state board to reduce emissions.~~

14 ~~(e) Prior to ratifying an agreement, the state board shall~~
15 ~~perform all of the following functions:~~

16 ~~(1) Consult with, and consider the suggestions of, the public~~
17 ~~and all interested parties, including, but not limited to, the~~
18 ~~Legislature, the California Air Pollution Control Officers~~
19 ~~Association, and all entities affected by the agreement.~~

20 ~~(2) Conduct at least three public workshops, located in~~
21 ~~affected areas of the state, to solicit comments on the proposed~~
22 ~~agreement.~~

23 ~~(3) Prepare a written report relating to the agreement that~~
24 ~~contains at least all of the following:~~

25 ~~(A) A description of the public participation process, including~~
26 ~~public opinions and recommendations relating to the agreement.~~

27 ~~(B) A description of the emissions reductions achieved by the~~
28 ~~agreement. Targeted emissions reductions shall be from an~~
29 ~~established baseline, and shall be permanent.~~

30 ~~(C) An assessment of the local cumulative impacts and~~
31 ~~environmental justice implications.~~

32 ~~(D) An analysis of the methods of compliance and~~
33 ~~enforceability of the agreement.~~

34 ~~(4) Evaluate and incorporate the best available control~~
35 ~~technologies and new emerging alternative technologies into the~~
36 ~~agreement, to the extent feasible.~~

37 ~~(5) Initiate the development of appropriate legislation.~~

38 ~~(6) The chairperson of the state board shall consult with the~~
39 ~~Legislature. At the discretion of the Legislature or any committee~~
40 ~~thereof, the chairperson of the state board or his or her designated~~

1 ~~representatives shall testify before the Legislature or committee~~
2 ~~to explain the rationale for the agreement, including why current~~
3 ~~authority does not support a regulatory approach.~~

4 ~~(f) Agreements that the state board ratifies shall be reevaluated~~
5 ~~every year, and the state board shall submit annual reports on all~~
6 ~~existing agreements to the Legislature that include, but are not~~
7 ~~limited to, all of the following:~~

8 ~~(1) An evaluation of the effectiveness of every agreement,~~
9 ~~annual reevaluations of every agreement, as applicable, and an~~
10 ~~analysis of compliance, participation rates, and enforceability of~~
11 ~~each agreement.~~

12 ~~(2) The status of any memorandum of understanding.~~

13 ~~(3) An evaluation of the emissions reductions achieved~~
14 ~~through the agreement.~~

15 ~~(4) An evaluation of the best available control technologies~~
16 ~~and new emerging alternative technologies for the applicable~~
17 ~~pollution sources categories incorporated by the agreement.~~

18 ~~(g) Failure to comply with this section shall invalidate any~~
19 ~~agreement not otherwise expressly authorized by law.~~

20 SEC. 2. Section 39619.7 is added to the Health and Safety
21 Code, to read:

22 39619.7. (a) (1) The state board shall develop and
23 implement policies to strengthen community outreach and
24 education and enhance public participation in state and local
25 decisionmaking processes related to air quality, especially in
26 low-income and minority communities. The state board shall,
27 with the input of the local communities and the partnership of the
28 local air districts, make the information already available more
29 accessible, and develop additional information to educate local
30 communities on the public process used to make state and local
31 decisions related to air quality.

32 (2) The state board shall make all information available, in
33 English and other languages as appropriate, to communities in an
34 easily understood and useful format, including, but not limited to,
35 the use of fact sheets, mailings, brochures, and Internet Web
36 pages.

37 (b) The state board shall do all of the following:

38 (1) (A) Hold all public meetings in the communities affected
39 by its programs, policies, and regulations at times and in places
40 that encourage public participation, including, where appropriate,

1 evenings and weekends at libraries, schools, and other centrally
2 located meeting areas.

3 (B) Assess the need for and where appropriate provide
4 translation services at public meetings.

5 (C) Hold additional community meetings to update an affected
6 community on the results of special air monitoring programs
7 conducted in their neighborhoods.

8 (D) In coordination with local air districts, make staff
9 available to attend meetings of community organizations and
10 neighborhood groups to listen and, where appropriate, act on
11 community concerns.

12 (2) (A) Develop and maintain an Internet Web site dedicated
13 to community health that includes, but is not limited to,
14 information on children's health issues, neighborhood air
15 monitoring results, pollution prevention, risk reduction, and
16 environmental justice activities.

17 (B) Develop and maintain an Internet Web site that provides
18 access to the best available information about sources of air
19 pollution in neighborhoods. Include, with this information,
20 information about ongoing activities to improve the quality of the
21 information, and the limitations and uncertainties associated with
22 the information.

23 (3) Encourage and promote community access to the best
24 available information in air quality databases, emissions
25 inventories, and other information archives that already exist.

26 (4) Create and distribute a simple and understandable air
27 quality public participation handbook.

28 (5) (A) Establish a contact person that can address
29 environmental justice issues within the office of the chairperson
30 of the state board.

31 (B) Distribute information on how to contact the office of the
32 chairperson of the state board and the public information office
33 of the state board to obtain information and assistance regarding
34 the state board's environmental justice programs, including
35 information on how to participate in the public process.

36 (6) Distribute fact sheets regarding the Children's
37 Environmental Health Program, the Community Health Program,
38 and the environmental justice policies of the state board.

1 (7) Consistent with all other laws, minimize, reduce, and,
2 where practicable, eliminate, fees for publicly available
3 information, and encourage local air districts to do the same.

4 (8) Increase public awareness of the state board's actions in
5 protecting public health throughout the kindergarten and grades 1
6 to 12, inclusive, education system and other community outreach
7 programs.

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